

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

VERONICA RAMIREZ,

Plaintiff,

v.

**COSTCO WHOLESALE
CORPORATION,**

Defendant.

Case No.: 4:20-cv-513

DEFENDANT COSTCO WHOLESALE CORPORATION'S NOTICE OF REMOVAL

COMES NOW defendant Costco Wholesale Corporation ("Costco"), pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, and hereby gives notice of its removal of the above-captioned matter from the Circuit Court of Jackson County, Missouri at Kansas City to the United States District Court, Western District of Missouri. In support of its removal, Costco states as follows:

1. On May 14, 2020, Plaintiff commenced a civil action in the Circuit Court of Jackson County, Missouri at Independence, Case No. 2016-CV11952 ("state court action").

2. Plaintiff is a resident and citizen of the State of Missouri. *See* "Complaint", included in Exhibit 1. Costco is a Washington corporation with its principal place of business in Washington, and therefore, is a citizen of Washington for the purposes of diversity jurisdiction. Accordingly, the diversity requirement for original federal jurisdiction under 28 U.S.C. § 1332(a) is satisfied.

4. The monetary jurisdictional prerequisite to original federal jurisdiction under 28 U.S.C. § 1332(a) is also satisfied. Given the expansive allegations in the Plaintiff's Petition, the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

Plaintiff alleges that she slipped and fell within the Costco located at 19040 E. Valley View Parkway, Independence, MO because of a dangerous condition existing within the store. Plaintiff claims that she has incurred medical costs and has suffered a permanent and progressive injury.

Plaintiff has not stipulated that she will be seeking less than \$75,000.00. As a result, a reasonable reading of the Petition shows that the amount Plaintiff has placed in controversy exceeds \$75,000.00. Therefore, the state court action is one which may be removed to this Court pursuant to 28 U.S.C. §§ 1332(a) and 1441. Accordingly, this Court has jurisdiction over the parties and subject matter of the state court action.

5. Defendant was served with Plaintiff's Petition on June 4, 2020. Therefore, pursuant to 28 U.S.C. §1446(b), this Notice is being filed within the requisite thirty (30) days from the date Defendant first received a copy of the initial pleading setting forth Plaintiff's claims. A copy of all pleadings and papers which have been filed in the state court action are included in Exhibit 1.

6. Contemporaneous with the filing of this Notice and pursuant to 28 U.S.C. §1446(d), written notice has been mailed to Plaintiff and a copy of this Notice will be filed with the Clerk of the Circuit Court of Jackson County, Missouri at Independence. A copy of the "Notice to Counsel and State Court of Filing of Defendant's Notice of Removal" is attached hereto as Exhibit 2.

7. This Court is the District Court of the United States for the District and Division within which the state court action is pending.

WHEREFORE Defendant Costco Wholesale Corporation hereby requests that the state court be divested of jurisdiction over this matter and that this Court proceed with adjudication of this matter.

BATY OTTO CORONADO PC

/s/ Lee M. Baty

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ATTORNEYS FOR DEFENDANT
COSTCO WHOLESALE CORPORATION

CERTIFICATE OF MAILING

I do hereby certify that a true and accurate copy of the foregoing document was served via the Court's e-Filing system and regular mail, this 24th day of June, 2020, to:

Kirby L. Minor
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/s/ Lee M. Baty

ATTORNEY FOR DEFENDANT